

**REMARKS**

Claims 10-15, 27-34, 44-49, 62 and 64-90 are pending. Previously presented independent claims 10, 27, 44, 62, 71 and 79 have been amended. No new matter has been added.

Applicants have amended independent claims 10, 27, and 71 to include the feature of selecting preference and profile data for the current user based on the identification of the current user. Applicants have amended independent claims 44, 62 and 79 to include the feature of a set-top box that assigns preference and profile data based on the identity of said current user. Applicants submit that none of the references cited by the Examiner, taken alone or in combination, disclose these features.

Independent claims 10, 27, 44, 62, 71 and 79 were rejected under 35 USC §103(a) as being unpatentable over Nickum (U.S. Patent No. 6,359,661) in view of Perlman (U.S. Patent No. 6,125,259) in further view of Rosser (U.S. Patent No. 6,446,261). This rejection is respectfully traversed.

Applicants respectfully submit that none of the cited references, taken alone or in combination, disclose the feature of claim 10 of “communicating said identification of said current user to said set-top box.”

The Examiner stated that “Nickum also discloses communicating the identification of the current user to the set-top box (Column 5, Lines 11-13)” and noted that Nickum states that “the process represented by FIG. 4 can be executed by circuitry incorporated in the remote control devices, the television receiver, or an attached device such as a cable control box. (Column 5, Lines 28-33).” Applicants note that the portion of Nickum at col. 5, lines 11-13 cited by the Examiner to show communication of an identification of a user to a set-top box merely states that “[w]hen a user presses the id function key 320, user verification firmware and/or circuitry is activated which, in one embodiment, waits for the user to key in a user id.” Applicants assert that there is no indication in

the cited portion of the reference, or anywhere else in Nickum, that an identification of a user is transmitted to a set-top box.

The remote control of Nickum does not transmit the identification of the user to the set-top box. According to Nickum, a user profile stored in a remote control defines the channels that may be accessed. According to Nickum, “the remote control device may have one or more user profiles, any one user profile of which is activated by the user inputting a unique user id. Verification circuitry activates the user profile corresponding to the input user id if it matches the user id stored in association with the user profile.” (Col. 2, lines 35-40.) According to Nickum, it is the user profile data that controls access restrictions. (Col. 7, lines 15-18.) Thus, there is no need to transmit the user ID to the set-top box because the user profile is applied in the remote control.

Fig. 4 of Nickum shows the input verification process. If an ID function key is detected at step 412, it is compared to the ‘Master Control’ ID at step 414. If to match is found, the ID is then compared to data stored in EEPROM at step 420. None of these steps, nor the final step (Transmit Signal to Receiver (480)), teaches that the identification of the user is transmitted from the remote control. Nickum only teaches that program selections are transmitted from the remote control. Nickum discloses that “[i]f the user selection is not one of those blocked according to program control data in EEPROM 250 then the user selection is sent at block 470 to the standard remote control circuitry 280. From re the [sic] signal is transmitted at block 480 to the receiver controlling the television receiver.” (Col. 8, lines 1-6). Thus, the teachings of Nickum do not show “communicating said identification of said current user to said set-top box” as described in claim 10.

Applicants also respectfully submit that none of the cited references, taken alone or in combination, disclose the feature of claim 10 of “recognizing said current user with an interface in said personal remote control unit using biometric identification.”

The Examiner stated that “Nickum and Perlman both fail to disclose using biometric identification to identify the remote control user. Rosser discloses...that a user can be identified by various biometric identification means (see Column 15, Lines 22-28).” Applicants assert that Rosser does not teach that an interface in the remote control uses biometric identification. Rosser merely states that “an individual device or software module may construct and store viewer usage profiles 120 for a number of different individuals, who may be identified by name, password, number, or other suitable identification means, including but not limited to biometric means such as signature, fingerprint, or retina pattern.” (Col. 15, lines 23-28.) Rosser fails to suggest that the biometric interface is in a remote control. In fact, Rosser fails to even suggest that the biometric interface is in any way associated with a remote control. Thus, the teachings of Rosser do not show the feature of “recognizing said current user with an interface in said personal remote control unit using biometric identification” of claim 10.

Applicants further submit that Rosser, like the other references cited by the Examiner, also fails to disclose that an identification of a user is communicated from a remote control to a set-top box. Rosser only discloses that the “viewer usage profile store 170 may be totally; or in part, located inside the viewer's remote control 71, or other related device that the viewer uses to access and control the content reaching the end user display or television set.” (Col. 15, 10-14.)

Applicants respectfully submit that claims 27, 44, 62, 71 and 79 incorporate limitations similar to claim 10 and are patentable for at least the reasons given above.

With respect to the dependent claims, claims 11-15, 88 and 90 depend from independent claim 10, claims 28-34 depend from independent claim 27, claims 45-49 and 89 depend from independent claim 44, claims 64-70 depend from independent claim 62, claims 72-78 depend from independent claim 71, and claims 80-87 depend from independent claim 79. The Applicants respectfully submit that they have shown the patentability of at least independent claims 10, 27, 44, 62, 71 and 79. Accordingly, all dependent claims are themselves patentable insofar as they depend

from patentably distinct independent claims. The Applicants make this assertion without reference to the independent bases of patentability contained within each dependent claim. Accordingly, the Applicants respectfully request the Examiner withdraw the rejections and allow all pending dependent claims.

Claims 33-34, 69-70, 77-78 and 86-89 were rejected under 35 USC §103(a) as being unpatentable over Nickum in view of Perlman in further view of Rosser in further view of Agraharam (U.S. Patent No, 6,377,995). This rejection is respectfully traversed at least for the reasons given above. Claims 32, 68, 76 and 85 were rejected under 35 USC §103(a) as being unpatentable over Nickum in view of Perlman in further view of Rosser and in further view of Sumita (U.S. Patent No. 6,581,207). This rejection is also respectfully traversed at least for the reasons given above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 57717-2000400.

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